



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Donald Fischer,
Instructor Counselor (S0880W),
Statewide

Examination Appeal

CSC Docket No. 2021-1519

ISSUED: MAY 24, 2021 (SLK)

Donald Fischer appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Instructor Counselor (S0880W), Statewide.

The subject examination closing date was August 8, 2018. The education requirement was a Bachelor's degree. The experience requirements were one year of experience in counseling, teaching, and/or guidance in an organized education program. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. A total of 93 individuals applied and 50 were admitted. The test was administered on April 21, 2021.

On his application, the appellant indicated that he possessed a high school diploma. Additionally, he indicated that he was a Senior Therapy Program Assistant from November 2016 to the August 8, 2018 closing date, a Therapy Program Assistant from February 2007 to November 2016, a Recreation Assistant from April 2000 to February 2007, and Human Services Assistant from 1998 to 1999. Personnel records indicate that the appellant was a Senior Therapy Program Assistant from December 2016 to the August 8, 2016 closing date¹, a Therapy

¹ Personnel records also indicate that the appellant was provisionally appointed to the subject title in September 2019 and he continues to serve in that title.

Program Assistant from March 2007 to December 2016, a Therapy Aide from November 2001 to March 2007, a Human Services Assistant from March 1999 to November 2001, and a Medical and Health Services TES from October 1998 to March 1999. Agency Services credited the appellant with one year and 10 months of experience based on his experience as a Senior Therapy Program Assistant, but per the substitution clause for education, it determined that he lacked three years and two months of experience.

On appeal, the appellant presents that he has been provisionally serving in the subject title since September 2019. Additionally, the appellant explains how he performed the required duties while serving as a Therapy Program Assistant and throughout his career in the Vocational Rehabilitation Department.

CONCLUSION

N.J.A.C. 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination as he did not clearly articulate how she performed the required duties as a Therapy Program Assistant. However, on appeal the appellant explained how he performed the required duties as a Therapy Program Assistant and throughout his career in the Vocational Rehabilitation Department. Therefore, the Commission finds that the appellant has sufficiently clarified that he has been performing the required duties for more than the required time by the closing date. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004).

ORDER

Therefore, it is ordered that the appeal be granted, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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